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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

FRANCISCO VALDEZ,

Defendant and Appellant.

F040680

(Super. Ct. No. 83739)

**MODIFICATION OF  
OPINION ON DENIAL  
OF REHEARING  
[NO CHANGE IN JUDGMENT.]**

THE COURT:

1. The court did not misconstrue appellant's argument concerning the validity of CALJIC No. 2.15. The instruction is a correct statement of the law. Only slight corroboration is needed to support an inference of guilt of a theft-related crime when a defendant is found in possession of recently stolen property. (*People v. Barker* (2001) 91 Cal.App.4th 1166, 1173.)

2. The court's prejudice analysis regarding the admissibility of prior bad acts pursuant to Evidence Code section 1101, subd. (b), was not based on "false facts." The court was aware that appellant claimed he found the victim's credit cards. The last sentence of the second paragraph of page 8 of the opinion refers to the ATM card which appellant claimed he was using when witnesses saw him attempt to withdraw money at

the market. In order to clarify the reference, the last sentence of the second paragraph on page 8 of the opinion filed on September 4, 2003, is hereby modified to read as follows:

“In both instances, he explained otherwise inculpatory evidence -- the car being reported as stolen and the witness statements that appellant had attempted to withdraw money from the ATM machine at the market -- by claiming the car belonged to a friend who had given him permission to take it and that his visit to the ATM was to use a friend’s credit card who had given him permission to withdraw cash.”

3. There is no change in judgment.

Appellant’s petition for rehearing in the above entitled matter is denied.

Dated:

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Dibiaso, Acting P.J.

WE CONCUR:

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Wiseman, J.

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Gomes, J.